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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,155	01/24/2001	Richard L. Maliszewski	42390P10463	5250
8791	7590	12/17/2004	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			WRIGHT, NORMAN M	
			ART UNIT	PAPER NUMBER
			2134	

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/769,155	MALISZEWSKI
	Examiner	Art Unit
	Norman M. Wright	2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 20 March 2001.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-28 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-28 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

~~NORMAN M. WRIGHT  
PRIMARY EXAMINER~~

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_ .

### DETAILED ACTION

1. Claims 1-29 are present for examination.
2. The examiner requests, in response to this Office action, any reference(s) known to qualify as prior art under 35 U.S.C. sections 102 or 103 with respect to the invention as defined by the independent and dependent claims. That is, any prior art (including any products for sale) similar to the claimed invention that could reasonably be used in a 102 or 103 rejection. This request does not require applicant to perform a search.  
This request is not intended to interfere with or go beyond that required under 37 C.F.R. 1.56 or 1.105.

The request may be fulfilled by asking the attorney(s) of record handling prosecution and the inventor(s)/assignee for references qualifying as prior art. A simple statement that the query has been made and no prior art found is sufficient to fulfill the request. Otherwise, the fee and certification requirements of 37 CFR section 1.97 are waived for those documents submitted in reply to this request. This waiver extends only to those documents within the scope of this request that are included in the application's first complete communication responding to this requirement. Any supplemental replies subsequent to the first communication responding to this request and any information disclosures beyond the scope of this are subject to the fee and certification requirements of 37 CFR section 1.97.

In the event prior art documentation is submitted, a discussion of relevant passages, figs. etc. with respect to the claims is requested. The examiner is looking for

specific references to 102/103 prior art that identify independent and dependent claim limitations. Since applicant is most knowledgeable of the present invention and submitted art, his/her discussion of the reference(s) with respect to the instant claims is essential. **A response to this inquiry is greatly appreciated.**

**The examiner also requests**, in response to this Office action, support be shown for language added to any original claims on amendment and any new claims. That is, indicate support for newly added claim language by specifically pointing to page(s) and line no(s). in the specification and/or drawing figure(s). This will assist the examiner in prosecuting the application.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art, hereinafter 'aapa and Boykin et al., U.S. PG Pub No. 2002/0076049A1, hereinafter '049.
4. As to claims 1 and 22, Aapa teach a method for providing secure content, a enhancement module (pg. 3, lines 4 et seq.), a device player and rendering digital

content (pg. 2, lines 17-19 et seq.), accepting encrypted digital content/high fidelity and decrypting said content (pg. 3, lines 10 et seq.), and processing it to enhance a users experience (pg. 2, lines 18 and pg. 3, lines 4 et seq.), and down sampling (col. 6, lines 25 et seq). Not explicitly taught is the down sampling of the decrypted content and accepting both high and low fidelity content.

5. Boykin et al., U.S. PG Pub No. 2002/0076049A1, teach that encrypted digital content maybe down sampled, see abs., figs. 1-3, summary, and col. 6, par 50 – col. 7, par. 52 et seq., and that both high and low fidelity content are accepted (pg. 7 at para 051 and 060). It would have been obvious to one of ordinary skill in the art at the time of the invention, to augment Aapa with the down sampling process as disclosed by '049. By augmenting and/or programming the content/video distribution system with either software, firmware or hardware, the distribution system would readily be able to download encrypted content of various fidelity levels. One of ordinary skill in the art would have been motivated to perform such a modification because, a skilled artesian would have realized that the encryption process might be utilized to enhance the privacy of intellectual property rights of owners and distributors of digital content (col. 7, par. 060). Additionally, since the trend in the media technology is moving towards mediums that have higher quality of audio and video content data, a person of ordinary skill in the art would have been motivated to include fidelity parameters that affords one the ability to manipulate the degree of access a with which one could down sample data. Thus, providing the ability to restrict and control the use of data as distributed by an

unauthorized second party (pg. 1, para. 2 and 4, pg. 7, para. 51 and 60, and col. 8, para. 62.

6. As to claims 3, 5-7, 17,19-21, 23, 25, '049 teach rendering the decrypted content for perception/viewing, a high and lower fidelity of content, audio data, generating a display, rendering high fidelity in part by using the lower fidelity content/ combining video and audio levels, see pg. 8 para. 061, and pg. 9, para. 071, based in part on down sampled data to enhance viewing ('049 at pg. 7 para 051 and para. 060, pg. 8, para. 062, pg. 9, para. 069).

7. As to claims 4-5, 18,24 aapa also teach using a tamper resistant technique for protecting distributed content, see pg. 2, lines 20 et seq., pg. 3, lines 4 et seq., and pg. 6, lines 1 et seq.).

8. As per claim 2, 16, aapa teach decompression before encoding/encoding at pg. 3, lines 3 et seq., while '049 teaches a simultaneous decompression and encoding (claim1, [h]).

9. As to claims 15, both aapa and '049 teach a processing system having a player device, a decryption agent, and an enhancement module/fidelity module, see aapa at page 2, lines 19-28 et seq., and page 3, lines 7-12 et seq., see also '049 at figs 1-3, page 7 para. 049, 051 and 060, col. 8 para 061, claims 1-3.

10. As to claims 8-14 and 26-29, they distinguish over rejected claims 1-7 and 15-25 by reciting an article comprising a storage medium containing instructions. Aapa teach the use of software modules for conveying computer invention as being notoriously well known in the data processing art, at page 2, lines 19 et seq..

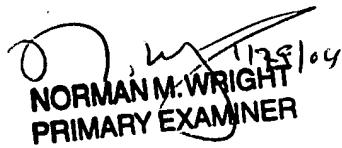
***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Norman Wright whose telephone number is (751) 272-3844. The examiner can normally be reached on Mondays - Thursdays from 9am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Morse, can be reached on (571) 272-3838. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
NORMAN M. WRIGHT  
PRIMARY EXAMINER